

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 U.S. Bank Trust, N.A., as Trustee for LSF9
5 Master Participation Trust,

6 Plaintiff

7 v.

8 Operture, Inc.,

9 Defendant

2:16-cv-02938-JAD-NJK

**Order Denying Plaintiff's Motion for
Attorneys' Fees and Costs**

[ECF No. 17]

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11 In this action for quiet title, unjust enrichment, and a preliminary injunction,¹ plaintiff U.S. Bank
12 Trust, N.A., as Trustee for LSF9 Master Participation Trust, moves for attorneys' fees and costs after
13 default judgment was entered against defendant Operture, Inc.² But U.S. Bank's motion fails to
14 comply with Local Rules 54-1 and 54-14, so I deny it without prejudice to U.S. Bank's ability to file a
15 new motion that complies with the local rules.

16 **Discussion**

17 **A. Attorneys' fees and costs**

18 U.S. Bank requests \$5,654.50 in attorneys' fees and \$1,045.50 in costs.³ NRS § 18.010(b)
19 permits an award of attorneys' fees to a prevailing party "when the court finds that the claim,
20 counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or
21 maintained without reasonable ground or to harass the prevailing party."⁴ And NRS § 18.020 permits
22 an award of costs to a prevailing party in a claim for the return of real property or of a "possessory
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24 ¹ ECF No. 1 at 1.

25 ² ECF No. 17.

26 ³ ECF 17 at 9.

27 ⁴ NEV. REV. STAT. § 18.010(b) (2015).
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1 right” in real property.⁵ But, because U.S. Bank fails to satisfy the Local Rules, I can award neither
2 fees nor costs at this time.

3 U.S. Bank’s request for attorneys’ fees includes only the total amount sought and an analysis of
4 the factors that the Nevada Supreme Court adopted in *Brunzell v. Golden Gate National Bank*⁶ for
5 evaluating the reasonableness of attorneys’ fees.⁷ Local Rule 54-14, however, requires that “[a]
6 reasonable itemization and description of the work performed” be included when attempting to recover
7 attorneys’ fees.⁸ An itemization and description of the work performed is absent from the fees
8 requested. U.S. Bank therefore fails to comply with Local Rule 54-14, and I deny its request. Local
9 Rule 54-1 similarly requires a prevailing party requesting costs to file an itemized bill of costs and
10 disbursements.⁹ Although U.S. Bank refers to a “Memorandum of Costs and Disbursements filed
11 concurrently” with this motion,¹⁰ no such memorandum was actually filed.¹¹ So, because an itemization
12 of costs is absent, I also deny the request for costs.

13 Conclusion

14 Accordingly, IT IS HEREBY ORDERED that U.S. Bank’s motion for attorneys’ fees and
15 costs [ECF No. 17] is **denied without prejudice** to its ability to file a new motion that complies with
16 the Local Rules.

17 DATED: November 22, 2017.

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20 U.S. District Judge Jennifer A. Dorsey

21 ⁵ NEV. REV. STAT. § 18.020(1) (2015).

22 ⁶ *Brunzell v. Golden Gate Nat’l Bank*, 455 P.2d 31 (Nev. 1969).

23 ⁷ *Id.* at 33; ECF No. 17 at 3–9.

24 ⁸ See LR 54-14(b)(1).

25 ⁹ See LR 54-1(b).

26 ¹⁰ ECF No. 17 at 8.

27 ¹¹ See generally docket report, case no. 2:16-cv-02938-JAD-NJK.